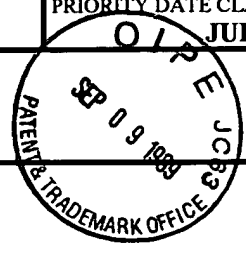


430 Rec'd PCT/PTO 09 SEP 1999

#3

FORM PTO-1390 (Modified) (REV 10-95)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER 064638.0129
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				
INTERNATIONAL APPLICATION NO. PCT/CA97/00506	INTERNATIONAL FILING DATE JULY 17, 1997	PRIORITY DATE CLAIMED JULY 17, 1996		
TITLE OF INVENTION METHODS FOR REGULATING NICOTINE METABOLISM				
APPLICANT(S) FOR DO/EO/US Edward M. SELLERS and Rachel F. TYNDALE				



Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
19. ☒ Other items or information:

PTO Form 1449 w/ eight (8) references

09/15/1999 PVOLPE 00000033 09214851  
01 FC:967 234.00 UP  
02 FC:965 273.00 UP  
03 FC:969 130.00 UP

09/15/1999 PVOLPE 00000034 09214851  
01 FC:198 66.00 UP

10/06/1999 WCLAYBRO 00000019 09214851  
01 FC:967 216.00 UP  
adjustment date: 10/06/1999 WCLAYBRO 0016044000  
09/15/1999 PVOLPE 00000033 09214851  
01 FC:967 234.00 UP

Repl. Ref: 10/06/1999 WCLAYBRO 0016044000  
Dep. Ref: 09/15/1999 PVOLPE 00000033 09214851  
Adjustment date: 10/06/1999 WCLAYBRO 0016044000  
09/15/1999 PVOLPE 00000034 09214851  
01 FC:198 66.00 UP

U.S. APPLICATION NO. (IF KNOWN, SEE 37 1.5)	INTERNATIONAL APPLICATION NO. <b>PCT/CA97/00506</b>	ATTORNEY'S DOCKET NUMBER <b>064658.0129</b>
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20<sup>3</sup> The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :**

- ☐ Search Report has been prepared by the EPO or JPO ..... **\$840.00**
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... **\$670.00**
- ☐ No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... **\$760.00**
- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... **\$970.00**
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) ..... **\$96.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE							
Total claims	46 - 20 =	26	x \$22.00	<b>\$572.00</b>						
Independent claims	10 - 3 =	7	x \$82.00	<b>\$574.00</b>						
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>				<b>\$260.00</b>						
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1,406.00</b>						
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable) <input checked="" type="checkbox"/>				<b>\$703.00</b>						
<b>SUBTOTAL =</b>				<b>\$703.00</b>						
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				<b>\$0.00</b>						
<b>TOTAL NATIONAL FEE =</b>				<b>\$703.00</b>						
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable) <input checked="" type="checkbox"/>				<b>\$40.00</b>						
<b>TOTAL FEES ENCLOSED =</b>				<b>\$743.00</b>						
				<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;"><b>Amount to be:</b></td> <td style="width: 20%;"></td> </tr> <tr> <td><b>refunded</b></td> <td>\$</td> </tr> <tr> <td><b>charged</b></td> <td>\$</td> </tr> </table>	<b>Amount to be:</b>		<b>refunded</b>	\$	<b>charged</b>	\$
<b>Amount to be:</b>										
<b>refunded</b>	\$									
<b>charged</b>	\$									

CALCULATIONS PTO USE ONLY

☒ A check in the amount of **\$743.00** to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **02-0375** A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**Laurence H. Posorske, Esq.**  
**Baker & Botts, LLP**  
**The Warner Building**  
**1299 Pennsylvania Avenue, N.W.**  
**Washington, D.C. 20004-2400**

\_\_\_\_\_  
SIGNATURE

**Laurence H. Posorske, Esq.**  
\_\_\_\_\_  
NAME

**Reg. No. 34,698**  
\_\_\_\_\_  
REGISTRATION NUMBER

**September 9, 1999**  
\_\_\_\_\_  
DATE



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

09/214/851  
U.S. APPLICATION NO. 09/214,851  
FIRST NAMED APPLICANT SELLERS  
ATTY. DOCKET NO. E 064658.0129

5611  
LAURENCE H POSORSKE  
BAKER & BOTTS  
1299 PENNSYLVANIA AVENUE NW  
THE WARNER BUILDING  
WASHINGTON DC 20004-2400

INTERNATIONAL APPLICATION NO.  
PCT/CA97/00506

I.A. FILING DATE 07/17/97  
PRIORITY DATE 07/17/96

DATE MAILED: 08/11/99

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),  
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed \_\_\_\_\_.

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☐ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance, under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

\* 3. Additional claim fees of \$ 1284 as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

**ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice *MUST* be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation  
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703) 305-3653

Sherry Vign  
National Stage Processing  
Paragraph Specialist  
(703) 305-3653

**DOCKETED**

HTMP:

11 Sep 99 / 11 Feb 2000